

REMARKS/ARGUMENTS

This application has been carefully considered in light of the Initial Office Action on the merits mailed July 13, 2004. As a result, the Title has been amended, the specification has been amended to specifically reference the cutting blades shown at 40 in Fig. 7, the drawings have been amended to show the cutting blades 40 and formal replacement drawings have been submitted.

In the Office Action, the Examiner required new drawings and replacement drawings have been submitted.

In the Initial Action, the Examiner objected to the drawings as not showing the at least one blade mounted on at least one pressure sensing transducer. The cutting blade was shown in the original drawings and referenced as "Mechanical Cut." The at least one blade is now referenced by the number 40. A concurrent amendment has been made to the specification. It is noted that the at least one cutting blade 40 is mounted to the pressure transducer 34 shown in the drawing figures. This amendment should also overcome the objection raised at paragraph 3 of the Official Action.

It is noted that it is not believed necessary to show multiple cutting blades, as the use of multiple blades is in the alternative to the single blade shown in the drawing figure. It

would be obvious to one of ordinary skill in the Art how to mount multiple blades as opposed to the single blade shown in the drawing figure, and how to control multiple blades by individual pressure transducers 34.

The Examiner has also objected to the word "means" for describing a Micro-Electro Mechanical device in claim 20. In this respect, this element has now been defined as a "controller." Therefore this objection is believed to be overcome.

Claim 7 has been rejected under 35 U.S.C. 102 (b) as being directly anticipated by US Patent 5,254,112 to Sinofsky et al. For the reasons discussed below, reconsideration of this grounds for rejection is respectfully solicited.

The Examiner has indicated that Claim 8 is directed to allowable subject matter and would be allowed subject to being amended to include the limitation of the base claim and any intervening claim. In this respect, Claim 8 has been amended to include the subject matter of Claim 7 from which it originally depended and, therefore, Claim 8 and all Claims depending therefrom should now be in condition for formal allowance, which action is respectfully solicited.

Concerning Claim 7, reconsideration is requested for the rejection under 35 U.S.C. 102 (b) with respect to the reference

to Sinofsky et al. Claim 7 is directed to an apparatus for increasing flexibility of an arterial wall without entering a lumen of an artery which includes a surveying means and an external ablating means, for ablating an exterior of the arterial wall. The reference to Sinofsky et al. does not teach a devise which can be used for exterior ablation. The device is rather specifically directed to providing for internal ablation of an artery. In column one beginning at line 55 of the cited reference, it specifically referenced that the object of the invention is to provide improved catheter construction. The figures show removal of plaque from the inside of a vessel and no structure is shown for removing it from the outside. The catheter of the reference is defined at column 2, line 54 as "A catheter in the form of an elongated, flexible tube is dimensioned so that it can be inserted and advanced through a patient's coronary artery."

It is further respectfully submitted it would not be obvious to utilize the device disclosed in the reference to Sinofsky et al, as the result of ablating from the inside of an artery is totally different than ablating from the outside. When ablating from the inside of the artery as disclosed in the reference, the exterior wall of the artery remains generally in tact. Utilizing the present invention, when the exterior wall is ablated, the

wall of the artery may flex or yield.

It is respectfully submitted that one of ordinary skill in the art would not look to the cited reference to perform an exterior ablation. The overall thrust of the reference is to provide for interior ablation and there is no exterior ablating means as set fourth in Claim 7 of the present application. Therefore, the reference can not anticipate applicant's invention as claimed in Claim 7.

In view of the foregoing, reconsideration of the grounds for rejection with respect to Claim 7 is requested and allowance of Claim 7 solicited.

An earnest effort has been made to place this application in condition for allowance. Should the Examiner have any questions concerning any of the amendments submitted herewith or the allowability of any of the claims, it would be appreciated if the Examiner would contact the Undersigned Attorney of Record at the telephone number shown below for purposes of discussing the application and to further expedite the prosecution of the application.

The Examiner's attention is also directed to the new address of the undersigned Attorney of Record. Please ensure that all future correspondence is sent to the new address set forth below.

Respectfully submitted,

DOWELL & DOWELL, P.C.

By

  
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Amendments to the Drawings:

Submitted herewith is a proposed amendment to Fig. 7 of the drawings to identify, by numbering, the at least one microtome blade 40 described at page 9 of the application and claimed in claims 19 and 20. No new matter is being added. It is noted that the blade 40 is mounted on the piezo-electric pressure transducer 34. Also submitted are formal drawings.

Attachment: Replacement Drawings